

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Date July 25, 1984 O Zoning Commissioner Norman E. Gerber, Director FROM Office of Planning and Zoning Zoning Petition Nos. 85-37-A, 85-38-A, 85-39-A, SUBJECT 85-40-A, 85-42-A, 85-43-A, and 85-44-A There are no comprehensive planning factors requiring comment on these petitions. Norman E. Gerber, Director Office of Planning and Zoning NEG/JGH/sf

85-38-A

Petitioner

Petitioner's

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 27th day of June 1984.

Zoning Commissioner

Louis F. Bender, et ux Received by:

Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 2, 1984

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Mr. & Mrs. Louis F. Bender 1505 Seling Avenue Baltimore, Maryland 21237 Nicholas 3. Commodari Chairman

RE: Case No. 85-38-A (Item No. 364)
Petitioner - Louis F. Bender, et ux Variance Petition

Dear Mr. & Mrs. Bender: Bureau of Engineering Department of

Traffic Engineering

MEMBERS

Realth Department Project Planning Building Department Board of Education Zoning Administration

water

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly hearing scheduled accordingly.

> Very truly yours, Nicholas B. Commodarifus NICHOLAS B. COMMODARI Zoning Plans Advisory Committee

NBC:bsc **Enclosures** BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

July 23, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #364 (1983-1984) Property Owner: Louis F. Bender, et ux N/E corner Seling Ave. and Analee Rd. Acres: 72/75 X 75/78 District: 14th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

As no public facilities are involved, this office has no comment.

permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

GILBERT S. BENSON, P.E., Asst. Chief

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211 NORMAN E. GERBER DIRECTOR

> Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

7-13-84

Re: Zoning Advisory Meeting of 7-10-84 Property Owner: Louis F. Benuter et 44 Location: MElcor. Seling Aus. + Anales Rd.

Dear Mr. Jablon:

The Division of Current Planning and E-velopment has reviewed the subject petition and offers the following comments. The items checked below are applicable.

 (X)There are no site planning factors requiring comment.
 ()A County Review Group Meeting is required.
 ()A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
 ()This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire teach. subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior to issuance of a building permit.
)The access is not satisfactory. The circulation on this site is not satisfactory.

The parking arrangement is not satisfactory.)Parking calculations must be shown on the plan.
)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
)The amended Development Plan was approved by the Planning Board)Landscaping should be provided on this site and shown on the plan.)The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.)Additional comments:

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500 PAUL H. REINCKE CHIEF

July 18, 1984

Mr. Arnold Jallon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Louis F. Bender, et ux

Location: NE/Cor. Seling Avenue and Anales Road Zoning Agenda: Meeting of 7/10/84

Item No.: 364

Pursuant to your request, the referenced property has been surveyed by this Fursuant to your request, the relations property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along in approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCREDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

The buildings and structures existing or proposed on the site shall . The Dulidings and Scructures existing of proposed on the Site Shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time. Noted and Leoise M Weiner H

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The Petitioner must provide necessary drainage facilities (temporary or

HONARA (PARAMA ROTALISE Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Peti ioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this

day of ______, 19_____, that the herein Petition for Variance(s) to permit

PALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204 Office of Planning and Zoning

County Office Building

Louis F. Bender, et ux Location: Existing Zoning: Proposed Zoning: NEC Seling Ave & Analee Road

Variance to permit rear yard setback of 17' in lieu of 20' $72/75/ \times 75/78$

A. All structure shall conform to the Baltimore County Building Code 1981/Council Bill is-82-Eteta-ed-Manyland-Gode form the Handisepped and aged;

C. Residential: Three sets of construction drawings are required to file a permit

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application. E. An exterior wall erected within 6'0 of an adjacent lot line shall be of one how

fire resistive construction, no openings permitted within 3'-0 of lot lines. A firewall is required if construction is on the lot line, See Table 401, line 2, Section 1407 and Table 1402.

F. Requested variance conflicts with the Baltimore County Building Code,

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require

H. Before this office can comment on the above structure, please have the owner, thro the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

These comments reflect only on the information provided by the drawings submitted to the office of Flamming and Zoming and are not intended to be construed as the full extent of any permit.

If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chasapeake Ave., 21204

POEM 01-82

NE/Corner of Seling Ave. & Analee Rd. (1505 Seling OF BALTIMORE COUNTY Ave.), 14th District

Petitioners

LOUIS F. BENDER, et ux,

ENTRY OF APPEARANCE

:::::::

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllic Cole Friedman Phyllis Cole Friedman
> People's Counsel for Baltimore County

> > Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 25th day of July, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Louis F. Bender, 1505 Seling Ave., Baltimore, MD 21237, Petitioners.

ZONING DESCRIPTION

Beginning on the Northeast side of Seling Avenue 30' wide and on the corner at the intersection of Analee Road. Being Lot 33, Block B, in the subdivision of Hillbrook. Book GLB No. 21, Folio 71.
Also Known as 1505 Seling Avenue in the 14th election

71

PETITION FOR VARIANCE

14th Election District

ZONING: Petition for Variance

Northeast corner of Seling Avenue and Analee Road (1505 Seling Avenue)

DATE & TIME:

LOCATION:

Monday, August 13, 1984 at 10:00 A.M.

Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland PUBLIC HEARING:

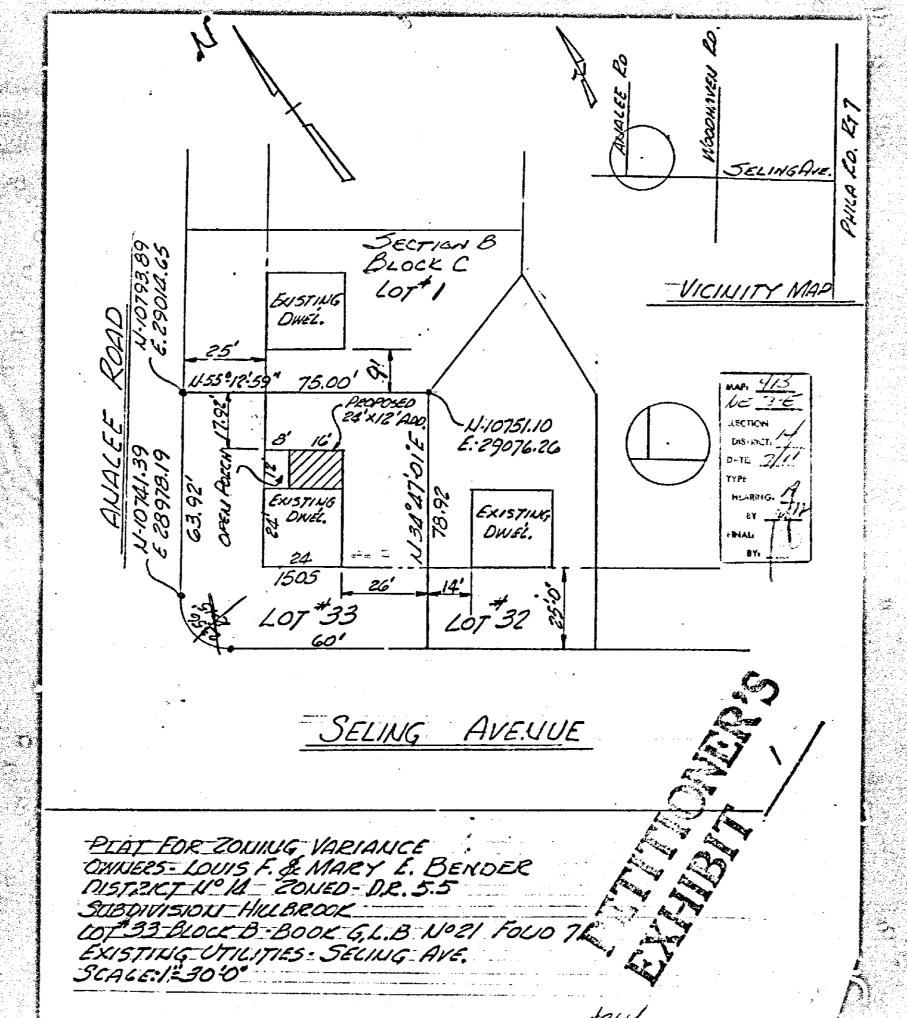
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

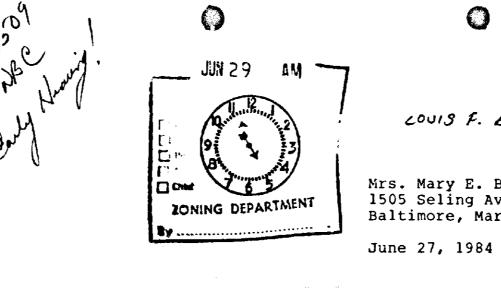
Petition for Variance to permit a rear yard setback of 17 ft. in lieu of the required

Being the property of Louis F. Bender, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY





LOUIS F. EGNPER, etux Mrs. Mary E. Bender 1505 Seling Ave. Baltimore, Maryland 21237

Mr. Arnold Jablon Zoning Commissioner 111 W. Chesapeake Ave. Baltimore, Maryland 21204

Dear Mr. Jablon:

On June 25, 1984, I filed a petititon for a zoning variance (#364) in order that an addition can be built at my residence to accommodate an aged, handicapped parent who will be living with me. At the time of filing, I was told that a hearing would be held not before the end of August.

The purpose of this letter is to request that the hearing take place some time in July so that if the variance is granted, the work can be completed in time to alleviate my present problem.

Thank you for your consideration and cooperation. Sincerely,

Mary E. Bender

July 16, 1984 Mr. & Mrs. Louis F. Bender 1505 Seling Avenue Baltimore, Maryland 21237 NOTICE OF HEARING Re: Petition for Variance WE/cor. of Seling Ave. & Anales Rd. (1505 Seling Avenue) Louis F. Bender, et ur - Petitioner Case No. 85-38-A TIME: 10:00 A.M. DATE: Monday, August 13, 1984 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland of Baltimore County BALTIMORE COUNTY, MARYLAND ⁴ No. 130595 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RELEIPT

6 685*****35001b 8254A

JAN 24 1985

	ZONING DEPARTM	ATE OF POSTING	-	
	Te	wron, Maryland		
District 14	• ,	- Date	of Posting 7/29/	84
Posted for:	till for Va	nencil	,	
Petitioner:	OF R	hender et	U.J.	
Location of property:	VE/C Gill	no acci 9	Asulle ad	; /
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Location of Signs: 17	acina inte	rection of	Belling 1 A	arleo.
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Remarks:				
Posted by MA	2.1.Coma	/ Date of re	turn: <i>9/3/87</i>	

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

38 N. Dundalk Ave. Dundalk, Md. 21222

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14th Election District

Zoning: Petition for Variance Location: Mortheest corner of Seling

Avenue and Anales Road (1505 Saling

Date & Time: Monday, August 13,

Public Hearing Room 106, County Office Building, 111 W. Cheschoole

The Zaning Commissioner of Selti-

ing Act and Regulations of Battistere

County, will haid a public bearing 🧀

Politica for Variance to permit a

the required 20 ft.

Being the property of Louis F. Sen-

der, at us, as shown on plat plan filed with the Zoning Department, ****

In the event that this Petition is granted, a building permit gray be in

aved within the thirty (30) day appeal period. The Zoning Commissioner will, lowerer, entertain any request for a

stay of the esuance of said permit furing this period for good cause shown. Such request must be secoived in writing by the date of the

BY ORDER OF JAMOUD . BLOW ZOWING COMMISSIONER OF BALTIMOSE COUNTY

At- Tue, Tourson, Maryland 340 5-9

July 26

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THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of P.O. #57761 -Req. #L63209. The Dundalk Eagle a weekly newswas inserted in

paper published in Baltimore County, Maryland, once a week successive weeks before the 1984; that is to say, 27th day of July the same was inserted in the issues of July 26, 1984

> Kimbel Publication, Inc. per Publisher.

CERT ICATE OF PUBLICATION ZONING: Petition for Vari-TOWSON, MD., July 26 1984 Ance
LOCATION: Northeast corner
of Seling Avenue and Anales
Road (1505 Seling Avenue)
DATE & TEME: Monday, August 13, 1984 at 10:00 A.M. THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesepeake Avenue, Towson, Maryland and published in Towson, Baltimore County, Md., appearing on The Zoning Commissioner July 26 1984 Baktimore County by authority of the Zoning Act and Regu-lations of Baktimore County, will hold a public hearing: Petition for Variance to permit a rear yard setback of 17 ft in lieu of the required 20 ft.

Being the property of Louis
F. Bender, et us, as shown on
plat pian filed with the Zoning Department.

In the event that this Petition is granted, a building
permit may be issued within
the thirty (30) day appeal period, The Zoning Commissioner
with, however, entertain any
request for a stay of issuance
of said permit during this period for good cause shown.
Such request must be received
in writing by the date of the
hearing set above or made at
the hearing.

By Order Of

ARNOLD J. BLON
Zoning Commissioner
of Beltimore County
July 28. THE JEFFERSONIAN, \$ 20.00

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204 494-3353 ARNOLD JABLON ZONING COMMISSIONER August 3, 1984 Mr. & Mrs. Louis F. Bender 1505 Seling Avenue Baltimore, Maryland 21237 Re: Petition for Variance NE/cor. Seling Ave. & Annales Rd. (1505 Seling Avenue) Louis F. Bender, et ux - Petitioners Case No. 85-38-A Dear Mr. & Mrs. Bender: This is to advise you that _____is due for advertising and posting of the above property. This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing. Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing. LDJABLON No. 133222 BALTIMORE COUNTY, MARYLAND g Commissioner OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE 8-13-84 ACCOUNT R-01-615-000 RECEIVED Louis 7. Bender FROM: Adr. + forting Case + 85-38-A C 622*****5380:* #134F

BEFORE THE IN RE: PETITION ZONING VARIANCE NE/corner of Seling Avenue and ZONING COMMISSIONER Analee Road (1505 Seling Avenuel - 14th Election District OF BALTIMORE COUNTY Louis F. Bender, et ux, Case No. 85-38-A Petitioners FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioners herein request a variance to permit a rear yard setback of 17 feet instead of the required 20 feet in order to construct an addition, as more fully described on Petitioners' Exhibit 1. The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the property, zoned D.R.5.5, is a corner lot with a house facing Seling Avenue. The Petitioners propose to construct an addition to the rear of their home to allow Mrs. Bender's father, who is handicapped, to live with them. This addition will consist of a 12' x 16' living area and a 12' x 8' open porch. The placement of the addition will allow easier accessibility to the home. The Petitioners seek relief from Section 1802.3.B. (Section III.C.4, 1945 BCZR) Baltimore County Zoning Regulations (BCZR). In area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. tv. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following: 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; PE. ORDER whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, /3 day of August, 1984, that the Petition for Zoning Variance to t a rear yard setback of 17 feet instead of the required 20 feet be and the same is hereby GRANTED, from and after the date of this Order, subject to the The Petitioners may apply for their building permit and

be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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co: Mr. & Mrs. Louis F. Bender People's Counsel

Mr. Arnold Jablon Zoning Commissioner Baltimore County Dear Mr. Jablon:

I am the owner of the property adjacent to 1505 Seling Avenue whose owners are requesting a permit for a zoning variance to allow them to

construct a roofed, screened-in porch.

I wish it made known that I have no objection to granting the permit.

Very truly yours,

August 10, 1984

Robert Bohnemberg 8/03 ander au

PETITIONER'S
EXHIBIT 2

FOR FILT. RECEIVED DER

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JAN 24 1985